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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF WASHINGTON

10 UNITED STATES OF AMERICA,) NO. 4:15-CR-6049-EFS
11)
12 Plaintiff,) DEFENDANT CARILLO CASILLAS
13) MOTION TO CONTINUE TRIAL DATE
14 vs.) AND TO EXTEND TIME FOR
15) FILING
16 JESE DAVID CARILLO CASILLAS)
17) Richland, 08/29/2017 10:00 A.M.
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MOTION

Comes now the defendant, Jese David Carillo Casillas, by and through counsel, Robin C. Emmans, and moves this court for an order continuing the trial date now set for November 1, 2017, and extending corresponding filing deadlines. This motion is based on the memorandum set forth below, 18 USC 3161, and the 6th Amendment to the United States Constitution.

MEMORANDUM

Procedural history

Defendant Carillo Casillas (2) was arraigned August 17, 2016 on an indictment that had been filed in December of the previous year. Separately arraigned on a criminal complaint was codefendant Francisco Duarte Figueroa. Mr. Carillo Casillas was ordered detained, and has remained in custody since that time. On September 7, 2016, a superseding indictment was filed as to Mr. Carillo Casillas and Mr. Figueroa, as well as Ms. Rosa Granados (3). They were arraigned in the following weeks.

Trial was set for April 17, 2017, but in the interim a second superseding indictment was filed and additional defendants were arraigned in December, including Edgar Omar Herrera Farias (16), Jose Adrian Mendoza (23), Juan Bravo Zambrano (19), Gabriela Mendoza Vasquez (7), Erica Maria Solis (15), and Veronica Elvira Cortez (24). In January, Brittney Lee Zaragoza (10) was added, as were Juvenal Landa Solano (14), Salvador Gudino Chavez (11), and Miguel Reyes Garcia (21). This brought the tally of defendants to 13.

As January moved into February, a defense motion to continue was filed by Mr. Solano and a request that the case be declared complex was made by Ms. Granados. Defense counsel as a group began coordinating efforts and attempting to digest the high volume of discovery. Mr. Johnson, counsel for Mr. Mendoza (23), initiated an effort to utilize the services of a discovery coordinating service. At the

1 February 21, 2017 pretrial conference, the court declared this case complex and
2 ultimately set a trial date of November 1, 2017, ordering that counsel meet and confer
3 and provide proposed hearing and filing deadlines dates. A pretrial conference
4 followed on March 28, and Defense counsel were also in attendance at an ex parte
5 budgeting hearing on that date. An amended case management order was entered as
6 a result and the discovery coordinator was also appointed on behalf of all defendants.
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8 Over the course of the spring and summer, additional defendants have been added,
9 including Adam Benjamin Goldring (12), Julio Cesar Rosales Saucedo (9), and
10 Alfredo Magana Garibay (18). Two defendants have entered changes of plea. The
11 government provided its notice of expert witnesses with summaries on July 14th. On
12 August 8th, Mr. Therrien filed a request for extension of time to file expert witness
13 list, on behalf of Mr. Garcia. Movant herein did not join that motion, thinking that
14 joinder was automatic. That motion was granted, with a deadline of today.
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18 Discovery

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20 During this time, discovery was being provided through the USAfx system in
21 segments, on September 20th, 23rd, October 21st, and continuing in 2017 on January
22 10th, February 16th, April 7th, April 10th, May 26th, June 26th, July 12th and August 7th.
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24 An additional chunk of discovery required that defense counsel acquire and provide
25 to the government a hard drive of adequate size to allow its transmission. This was
26 returned to movant counsel at the end of January. As this court knows, defense
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1 counsel has grappled with the sheer volume of material as well as the variety of file
2 formats and programs required to review the material. That difficulty has been
3 completely overcome by the services of the court appointed discovery coordinator,
4 Behind the Gavel. On July 14th, discovery was returned to Yakima area defense
5 counsel in a well-organized, searchable, easy to navigate format usable on average
6 equipment. Two training sessions were also provided. While discovery continues on
7 a rolling basis as has been indicated by counsel for the government, the only major
8 void known to movant at the moment is Spanish-English transcripts, which are
9 expected in late August.

13 Argument

14 Movant asserts that a continuance is necessary to the defense of Mr. Carillo
15 Casillas, in the interests of justice and to assure Mr. Carillo Casillas the effective
16 assistance of counsel. As indicated above, movant is very enthusiastic about the
17 discovery organization provided on July 14th. This has already allowed for more
18 fruitful time with Mr. Carillo Casillas during client meetings. This tool will provide
19 Mr. Carillo Casillas with meaningful access to the evidence against him. However,
20 the volume is still very high. Navigation is now possible, and time is needed to
21 conduct a meaningful review with a defendant housed in another county, coordinating
22 with an interpreter who is also traveling to these meetings. This need for additional
23 time affects not just trial readiness, but movant's ability to present expert disclosures,
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1 ascertain the need for any Daubert challenge, and evaluate other motion practice
2 under the case management schedule currently in place. For example, a fingerprint
3 expert request is being coordinated among defendants, but that expert has not yet
4 been able to review the evidence in the case. This has to do with the coordinated
5 effort to locate and secure the services of an expert and the fact that raw data
6 disclosure is only partial at this point. The government will rely on fingerprinting
7 done both in the United States and in Canada. Counsel for the government indicates
8 that her request for raw data from the Canadian investigation has been made, but she
9 does not know when she will receive it for transmission to the defense.
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13 The defense does anticipate the filing of motions to challenge aspects of the
14 government's case, and simply cannot get through this volume of material fast
15 enough to cover all possible issues in the current timetable. Furthermore, until
16 transcripts are provided, defense counsel is hampered from reviewing the many,
17 many recordings in mixed English and Spanish. A failure to allow Mr. Carillo
18 Casillas additional time for the preparation of his defense would result in a
19 miscarriage of justice.
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23 The government has no objection to this motion. Movant has been able to
24 contact and receive feedback from some, but not all counsel for co-defendants. At
25 this time, Mr. Troberman has indicated on behalf of Mr. Goldring (12) that he has no
26 objection. Mr. Lee has indicated on behalf of Ms. Solis (15) that she has no
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1 objection. Mr. Edmond has no objection but is not joining the request on behalf of
2 Ms. Cortez (24). Mr. Therrien indicates that Mr. Garcia (21) will object. Mr. Smith
3 has indicated that Mr. Zambrano (19) will object. Moving defendant, Mr. Carillo
4 Casillas, has provided verbal approval and counsel expects shortly to be able to
5 provide this court with a written confirmation by way of a statement of defendant in
6 support of the motion to continue.
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9 CONCLUSION

10 For the foregoing reasons, movant respectfully requests that the trial of this
11 matter be continued, and that a new case management order be entered, moving all
12 other dates and deadlines accordingly.
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15 Respectfully submitted this 10th day of August, 2017.
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18 s/Robin C. Emmans

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CERTIFICATE OF SERVICE

I hereby certify that on August 10, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notifications of such filing to AUSA Stephanie VanMarter and to attorneys for co-defendants.

s/ Robin C. Emmans

Robin C. Emmans, WSBA 37085
Attorney for Jese Carillo Casillas